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EXAMINER
TRUONG, CAM Y T

ART UNIT	PAPER NUMBER
2162	

NOTIFICATION DATE	DELIVERY MODE
03/05/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

klpatent@kramerlevin.com

	Application No.	Applicant(s)
Office Action Summary	09/975,689	CANNER ET AL.
	Examiner	Art Unit	
	Cam Y T. Truong	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2007*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 5-33* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1, 3, 5-33* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____ .
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Applicant has amended claims 1, 9, 22, 23, 28, 30 in the amendment filed

on12/7/2007.

Claims 1, 3, 5-33 are pending in this Office Action.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 3, 5-33 have been considered but

are moot in view of the new ground(s) of rejection.

Applicant argued that Applicant argued that Sheehan does not teach the added

claimed limitation. In response to applicant's argument, new grounds of rejections are

discussed in this Office Action.

Applicant argued that Sheehan does not teach " wherein the feedback items are

a defined set of linguistic expressions associated with the state of the plurality of the

rules and are also custom made for the given entity". Examiner respectfully disagrees.

Sheehan teaches score report includes feedback items are a set of linguistic

expressions such as verbal score =460, your percent correct score (fig. 6) in associated

to custom made for a student (fig. 2B) and in associated with rules (col. 9, lines 45-60,

col. 24, lines 5-45).

Applicant argued that Kraftson does not teach "designing a custom made survey

for an entity, said survey comprising a plurality of queries". Examiner respectfully

disagree Kraftson teaches designing a custom made survey for a user, survey

comprises questions (fig. 2B).

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claim 30 is rejected under 35 U.S.C. 101 because the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6.   Claims 1, 3, 5-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitation "wherein the feedback items are a defined set of linguistic

expressions" in claims 1, 9, 22, 23, 28 and 30, was not described in the specification in

such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s).

The dependent claims of 1, 9, 22, 23, 28 and 30 are rejected under the same

reason as discussed in claims 1, 9, 22, 23, 28 and 30.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

8.   Claims 1, 3, 5-18, 21-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sheehan (US 6144838) in view of Kraftson (US 6151581) and

Bouchard (US 2001/0034011).

As to Claim 1, Sheehan discloses a method of conducting an assessment of an

evaluee, comprising:

"designing a custom made survey for an entity, said survey comprising a

plurality of queries; presenting a plurality of queries regarding an evaluee to an entity

(fig. 2A, col. 5, lines 45-55);

"receiving a response to each of the plurality of queries" (col. 5, line 60-col. 6, line 10);

"applying the converted responses to a plurality of rules so that each rule has one of a satisfied state and an unsatisfied state" as applying responses to rules. Responses are not converted col. 5, lines 35-45; col. 6, lines 30-45; col. 7, lines 5-40; col. 10, lines 40-60);

"automatically generating individualized feedback items based on the state of the plurality of rules, each feedback item being associated with at least one of the plurality of rules having the satisfied state, wherein the feedback items are a defined set of linguistic expressions associated with the state of the plurality of the rules and are also custom made for the given entity" as score report includes feedback items are a set of linguistic expressions such as verbal score =460, your percent correct score (fig. 6) in associated to custom made for a student (fig. 2B) and in associated with rules (col. 9, lines 45-60, col. 24, lines 5-45);

"transmitting the feedback items to an entity" (col. 23, lines 30-45; Fig. 6),

"wherein the plurality of queries seek information as to the performance of the evaluee" as (col. 8, lines 56-62; Fig. 6);

"wherein at least one of said presenting, receiving, applying, generating and transmitting are performed using at least one of a computer, data processing device, electronic communications system, or electronic data network" (col. 2, lines 37-40; col. 5, lines 30-40).

Sheehan does not explicitly disclose "performance of the evaluee in a business,

group, team, collaborative enterprise; converting each response to a numerical value

from a defined range of discrete values".

Kraftson teaches patient satisfaction information received from a group of

physician practices to provide practice performance information (col. 2, lines 50-55).

Kraftson also teaches a survey includes queries (fig. 2C). Generating reports that

contains expressions. For example, one report as shown in fig. 6 including expressions

such as doctor's treatment improving condition, doctor's treatment not improving

condition associated with rules as satisfied and unsatisfied (col. 2, lines 50-67; col. 3,

lines 1-7).

Bouchard teaches [0071] the responses when converted into a number in the 0-

100 range per the above process-and their weight designations are combined to

produce a Ratio score. The work environment Ratio Score comprises the following

individual responses and their applied percentage weight: [0072] Top Performer=30%

[0073] #2 Performer=10% [0074] #3 Performer=10% [0075] Manager 1=25% [0076]

Manager 2=25%. Predicting the performance of candidates for employment in business

(paragraphs 0003, 0006).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Bouchard's teaching of converting responses into a

number to Kraftson's system in order to improve performance of a member in a

business or a work group efficiently .

As to claim 3, Sheehan further discloses the entity is a group one or more

persons (col. 5, lines 30-35).

As to claim 5, Sheehan further discloses a host computer presents the plurality

of queries and transmits the feedback items to the evaluee (col. 23, lines 30-45).

As to claim 6, Sheehan further discloses the plurality of rules include

mathematical formulae (col. 25, lines 5-30).

As to Claim 7, Sheehan further discloses the plurality of rules include Boolean

operations (col. 26, lines 45-55).

As to Claim 8, Sheehan further discloses ones of the plurality of rules use output

from other of the plurality of rules (col. 28, lines 20-45).

As to claim 9, Sheehan, Bouchard, Kraftson teaches the same claimed limitation

subject matter in claim 1, Kraftson further teaches "a user computer; and one or more

assessment computers coupled to the user computer via a communications link,

wherein the assessment computers include a central processing unit (CPU) and a

memory coupled to the CPU, the memory storing computer executable code to be

executed by the CPU, the computer executable code" as (fig. 1, col. 5, lines 60-67; col.

6, lines 1-10).

As to Claim 10, Sheehan further discloses the memory includes a query

database storing the plurality of queries (col. 8, lines 30-50).

As to Claim 11, Sheehan further discloses the memory includes a rules database

storing the plurality of rules (col. 26, lines 55-65).

As to Claim 12, Sheehan further discloses the memory stores the responses to

the plurality of queries (col. 8, lines 30- 50).

As to Claim 13, Sheehan further discloses the user computer includes a display

to display the feedback items (col. 14, line 65-col. 15, line 30).

As to Claim 14, Sheehan further discloses the plurality of rules include a

Boolean operation, a true condition of the Boolean operation corresponding to the

satisfied state and a false condition of the Boolean operation corresponding to the

unsatisfied state (col. 20, lines 20-55).

As to Claim 15, Sheehan further discloses the communications link includes one

of a dialup connection, a wireless network connection, a local area network, a wide area

network, fiber optic connection and an Internet connection (col. 24, lines 15-25).

As to Claim 16, Sheehan further discloses the memory includes computer executable code identifying an additional set of queries to be presented to the entity as a function of a predetermined response to at least one of the plurality of the plurality of queries (col. 13, line 5-50).

As to Claim 17, Sheehan further discloses the queries include one of a statement and a question (Fig. 2A).

As to Claim 18, Sheehan further discloses the computer executable code transmitting the feedback items to the user computer includes links to additional resources related to a respective feedback item (col. 13, lines 35-60).

As to Claim 21, Sheehan further discloses the entity includes one of an individual and a group (col. 5, lines 30-40).

As to claim 22 is rejected under the same reason as discussed in claims 1 and 23.

As to Claim 23, Sheehan discloses a method of conducting an assessment of an evaluee, comprising:

"creating a custom made survey for an entity" (fig. 2B), "said survey comprising a

plurality of queries; presenting a plurality of queries to an entity regarding an evaluee

(fig. 2B, col. 5, lines 45-55);

" receiving a response to each of the plurality of queries" (col. 5, line 60-col. 6,

line 10);

"applying the converted responses to a plurality of rules so that each rule has

one of a satisfied state and an unsatisfied state" as apply responses to rules. These

responses are not converted (col. 5, lines 35-45; col. 6, lines 30-45; col. 7, lines 5-40);

"automatically generating individualized feedback items based on the state of the

plurality of rules, each feedback item being associated with at least one of the plurality

of rules having the satisfied state wherein the feedback items are a defined set of

linguistic expressions associated with the state of the plurality of the rules and are also

custom made for the given entity" as score report includes feedback items are a set of

linguistic expressions such as verbal score =460, your percent correct score (fig. 6) in

associated to custom made for a student (fig. 2B) and in associated with rules (col. 9,

lines 45-60, col. 24, lines 5-45);

"transmitting the feedback items to the evaluee, at least one of the feedback

items including a link to an additional resource associated with the feedback item,

wherein the plurality of rules results in at least a first comparative indicator and at least

a second comparative indicator, the first comparative indicator representing an ideal

situation for the evaluee, and the second comparative indicator representing a current

situation for the evaluee" (col. 23, lines 30-45; Fig. 6; col. 13, lines 30-55));

" wherein the plurality of queries seek information as to the performance of the

evaluee" (col. 8, lines 56-62; Fig. 6);

"wherein at least one of said presenting, receiving, applying, generating and

transmitting are performed using at least one of a computer, data processing device,

electronic communications system, or electronic data network" (col. 2, lines 37-40; col.

5, lines 30-40).

Sheehan does not explicitly disclose "in a business, group, team, collaborative

enterprise; converting each response to a numerical value from a defined range of

discrete values".

Kraftson teaches patient satisfaction information received from a group of

physician practices to provide practice performance information (col. 2, lines 50-55).

Kraftson also teaches a survey includes queries (fig. 2C). Generating reports that

contains expressions. For example, one report as shown in fig. 6 including expressions

such as doctor's treatment improving condition, doctor's treatment not improving

condition associated with rules as satisfied and dissatisfied (col. 2, lines 50-67; col. 3,

lines 1-7).

Bouchard teaches [0071] the responses when converted into a number in the 0-

100 range per the above process-and their weight designations are combined to

produce a Ratio score. The work environment Ratio Score comprises the following

individual responses and their applied percentage weight: [0072] Top Performer=30%

[0073] #2 Performer=10% [0074] #3 Performer=10% [0075] Manager 1=25% [0076]

Manager 2=25%. Predicting the performance of candidates for employment in business
(paragraphs 0003, 0006).

It would have been obvious to a person of an ordinary skill in the art at the time
the invention was made to apply Bouchard's teaching of converting responses into a
number to Kraftson's system in order to improve performance of a member in a
business or a work group efficiently .

As to Claim 24, Sheehan further discloses the first comparative indicator
includes two comparative indicators used to determine the ideal situation and the
second comparative indicator includes two comparative indicators used to determine
the current situation (Fig. 6).

As to Claim 25, Sheehan discloses the feedback items include at least one
feedback item based on a comparison between the ideal situation and the current
situation (Fig. 6).

As to Claim 26, Sheehan discloses displaying a comparison of the ideal situation
and the current situation (Fig. 6).

As to Claim 27, Sheehan discloses the plurality of queries relate to one of an
individual assessment and a group assessment (col. 5, lines 30-60).

As to claim 28, Sheehan, Kraftson and Bouchard teaches the same claimed limitation as discussed in claims 1 and 22, Kraftson further teaches "an assessment computer adapted to communicate with a user computer via a communications link, wherein the assessment computer includes a central processing unit (CPU) and a memory coupled to the CPU, the memory storing computer executable code to be executed by the CPU, the computer executable code" as (fig. 1, col. 5, lines 60-67; col. 6, lines 1-10).

As to Claim 29, Sheehan further discloses a storage medium coupled to the CPU, the storage medium including at least one database and storing the plurality of queries, the plurality of rules and the feedback item (col. 24, lines 15-30).

As to claim 30 is rejected under the same reason as discussed in claim 1.

As to Claim 31, Sheehan further discloses wherein said theory-based individualized feedback reflects one or more management or group dynamics theories or schools of thought (col. 2, lines 1-60; col. 6, lines 20-45; col. 7, lines 50--67; col. 8, lines 35-50).

9.   Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan in view of Kraftson and Bouchard (US 2001/0034011) and further in view of further in view of Hull et al (or hereinafter "Hull") (US 7299412).

As to Claim 19, Sheehan does not explicitly teach "the links include one of a hyperlink or URL and an identification of one or more additional resources".

Hull teaches publication information includes a "location of publication " which can be, for example, a URL to a server that is selected to publish the documents. The location of publication may provide controlled or limited access, in which case, the user may be required to provide additional authorization information (col. 11, lines 15-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Hull's teaching to Kraftson's system in order to allow a user to publish multiple search results without entering the authorization and/or publication information multiple times.

As to Claim 20, Kraftson does not explicitly teach the claimed limitation "hyperlink includes identification of a universal resource Locator and the additional resource includes publication".

Hull teaches publication information includes a "location of publication " which can be, for example, a URL to a server that is selected to publish the documents. The location of publication may provide controlled or limited access, in which case, the user may be required to provide additional authorization information (col. 11, lines 15-35).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Hull's teaching to Kraftson's system in order to allows

a user to publish multiple search results without entering the authorization and/or

publication information multiple times.

10.   Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sheehan, Kraftson and Bouchard (US 2001/0034011) as applied to

claim 1 above, and further in view of Nichols et   al. (U.S. Patent 5,987,443).

As to Claim 32, Sheehan are silent regarding the limitation wherein the theory-

based individualized feedback includes one or more links to tools that address

diagnosed deficiencies.

   Nichols discloses this limitation (col. 28, lines 17-67).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include one or more links to auxiliary tools that address

diagnosed deficiencies into the invention disclosed by Sheehan. The motivation for

doing so would be to conveniently provide means for an evaluee to take appropriate

action regarding the results of one's evaluation, increasing the effectiveness of the

feedback (Nichols, col. 28, lines 55-57).

As to Claim 33, Sheehan does not explicitly teach "wherein said tools comprise a

method of conducting an assessment of an evaluee". Nichols teaches tools include a

method of conducting an assessment of an evaluee (col. 29, lines 1-9).

It should be noted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the tools found in Nichols in accordance with the method disclosed in Sheehan. The motivation would be that the Sheehan disclosure, as noted in the rejection of claim 1, is very well suited for analyzing a student's work to identify problem areas and deliver focused feedback, which is a requirement for the tools disclosed by Nichols (col. 29, lines 4-6).

11.   Claims 1, 3, 5, 9, 10-13, 15-17, 21, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraftson (US 6151581) in view of Bouchard (US 2001/0034011).

As to claim 1, Kraftson discloses a method of conducting an assessment of an evaluee, comprising:

"designing a custom made survey for an entity, said survey comprising a plurality of queries" as designing a custom made survey for a user, survey comprises questions (fig. 2B);

"presenting a plurality of queries regarding an evaluee to an entity" as displaying questions to a user (fig. 2B, col. 12, lines 50-67);

"receiving a response to each of the plurality of queries" as (col. 12, lines 50-67);

"applying the responses to a plurality of rules so that each rule has one of a satisfied state and an unsatisfied state" as applying the responses to rules such as "0" indicate not satisfy and "1" indicates satisfy. The responses are not converted (col. 7, lines 25-40);

"automatically generating individualized feedback items based on the state of the

plurality of rules, each feedback item being associated with at least one of the plurality

of rules having the satisfied state, wherein the feedback items are a defined set of

linguistic expressions associated with the state of the plurality of the rules, and are also

custom made for the given entity" generating reports that contains expressions. For

example, one report as shown in fig. 6 including expressions such as doctor's treatment

improving condition, doctor's treatment not improving condition associated with rules as

satisfied and unsatisfied (col. 2, lines 50-67; col. 3, lines 1-7);

"transmitting the feedback items to an entity" as (fig. 6, col. 5, lines 40-60),

"wherein the plurality of queries seek information as to the performance of the

evaluee in a business, group, team, or collaborative enterprise" as patient satisfaction

information received from a group of physician practices to provide practice

performance information (col. 2, lines 50-55);

"wherein at least one of said presenting, receiving, applying, generating and

transmitting are performed using at least one of a computer, data processing device,

electronic communications system, or electronic data network" (col. 5, lines 40-60; col.

6, lines 20-30).

Kraftson does not explicitly teach "converting each response to a numerical value

from a defined range of discrete values".

Bouchard teaches [0071] the responses when converted into a number in the 0-

100 range per the above process-and their weight designations are combined to

produce a Ratio score. The work environment Ratio Score comprises the following

individual responses and their applied percentage weight: [0072] Top Performer=30%

[0073] #2 Performer=10% [0074] #3 Performer=10% [0075] Manager 1=25% [0076]

Manager 2=25%. Predicting the performance of candidates for employment in business

(paragraphs 0003, 0006).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Bouchard's teaching of converting responses into a

number to Kraftson's system in order to improve performance of a member in a

business or a work group efficiently .

As to claim 3, Kraftson discloses the claimed limitation "the entity is a group one

or more persons" as (col. 8, lines 10-20).

As to claim 5, Kraftson discloses the claimed limitation "a host computer

presents the plurality of queries and transmits the feedback items to the evaluee" as

(fig. 1, 2B, 6, col. 6, lines 20-30).

As to claim 9, Kraftson teaches the same claimed limitation subject matter in

claim 1, Kraftson further teaches "a user computer; and one or more assessment

computers coupled to the user computer via a communications link, wherein the

assessment computers include a central processing unit (CPU) and a memory coupled

to the CPU, the memory storing computer executable code to be executed by the CPU,

the computer executable code" as (fig. 1, col. 5, lines 60-67; col. 6, lines 1-10).

As to Claim 10, Kraftson teaches the memory includes a query database storing the plurality of queries (col. 8, lines 10-25).

As to Claim 11, Kraftson disclose the limitation " the memory includes a rules database storing the plurality of rules" (col. 8, lines 10-25; col. 7, lines 25-40).

As to Claim 12, Kraftson disclose the limitation "the memory stores the responses to the plurality of queries" as (col. 8, lines 10-25).

As to Claim 13, Kraftson "the user computer includes a display to display the feedback items" as (fig. 1, 6B).

As to Claim 15, Kraftson disclose the limitation "the communications link includes one of a dialup connection, a wireless network connection, a local area network, a wide area network, fiber optic connection and an Internet connection" as (col. 4, lines 59-67).

As to Claim 16, Kraftson discloses the memory "includes computer executable code identifying an additional set of queries to be presented to the entity as a function of a predetermined response to at least one of the plurality of the plurality of queries" as (col. 6, lines 30-67).

As to Claim 17, Kraftson disclose the limitation " the queries include one of a statement and a question" (Fig. 2B).

As to Claim 21,Kraftson discloses the entity includes one of an individual and a group (col. 8, lines 10-20).

As to claim 28, Kraftson teaches the same claimed limitation as discussed in claim 1 , Kraftson further teaches "an assessment computer adapted to communicate with a user computer via a communications link, wherein the assessment computer includes a central processing unit (CPU) and a memory coupled to the CPU, the memory storing computer executable code to be executed by the CPU, the computer executable code" as (fig. 1, col. 5, lines 60-67; col. 6, lines 1-10).

As to Claim 29, Kraftson disclose the limitation "a storage medium coupled to the CPU, the storage medium including at least one database and storing the plurality of queries, the plurality of rules and the feedback item" as (fig. 1).

As to claim 30 is rejected under the same reason as discussed in claim 1.

12.   Claims 6-8, 14 and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kraftson (US 6151581) in view of Bouchard (US 2001/0034011) and

further in view of Sheehan (US 6144838).

As to claim 6, Kraftson does not explicitly teaches the "plurality of rules include

mathematical formulae". Sheehan teaches mathematical formulae (col. 25, lines 5-30).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Sheehan's teaching of mathematical formulae to

Kraftson's system in order to evaluate performance of entity accurately.

As to Claim 7, Kraftson does not explicitly teaches the claimed limitation "the

plurality of rules includes Boolean operations". Sheehan further discloses the plurality of

rules include Boolean operations (col. 26, lines 45-55).

Sheehan teaches mathematical formulae (col. 25, lines 5-30).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Sheehan's teaching of Boolean operations to

Kraftson's system in order to evaluate performance of entity accurately.

As to Claim 8, Kraftson does not explicitly teach "ones of the plurality of rules

use output from other of the plurality of rules". Sheehan teaches use output from other

rules (col. 28, lines 20-45).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sheehan's teaching of using outputs of other rules to Kraftson's system in order to evaluate performance of entity accurately.

As to Claim 14, Kraftson does not explicitly teach "the plurality of rules include a Boolean operation, a true condition of the Boolean operation corresponding to the satisfied state and a false condition of the Boolean operation corresponding to the unsatisfied state".

Sheehan teaches the plurality of rules include a Boolean operation, a true condition of the Boolean operation corresponding to the satisfied state and a false condition of the Boolean operation corresponding to the unsatisfied state (col. 20, lines 20-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sheehan's teaching to Kraftson's system in order to evaluate performance of entity accurately.

As to Claim 31, Kraftson does not teach explicitly teach "wherein said theory-based individualized feedback reflects one or more management or group dynamics theories or schools of thought".

Kraftson teaches theory-based individualized feedback reflects one or more management or group dynamics theories or schools of thought (col. 2, lines 1-60; col. 6, lines 20-45; col. 7, lines 50--67; col. 8, lines 35-50).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Kraftson's teaching to Kraftson's system in order to

improve performance of a student in school.

13.   Claims 18-19, 21-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kraftson (US 6151581) in view of Bouchard (US 2001/0034011) and

further in view of Wies et al (or hereinafter "Wies") (US 6353850) .

As to Claim 18, Kraftson does not explicitly teach the claimed limitation the

computer executable code transmitting the feedback items to the user computer

includes links to additional resources related to a respective feedback item.

Wies teaches transmitting web page to a user includes url to resources (figs.

17A-17B).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Wies's teaching to Kraftson's system in order to allow

a user further review details related to feedback item.

As to Claim 19, Kraftson does not teach "the links include one of a hyperlink

or URL and an identification of one or more additional resources (col. 13, lines 35-60).

Wies teaches transmitting web page to a user includes url to resources (figs.

17A-17B).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Wies's teaching to Kraftson's system in order to allow

a user further review details related to feedback item.

As to Claim 23, Kraftson teaches the claimed limitations:

"creating a custom made survey for an entity, said survey comprising a plurality

of queries" as designing a custom made survey for a user, survey comprises questions

(fig. 2B);

"presenting a plurality of queries regarding an evaluee to an entity" as displaying

questions to a user (fig. 2B, col. 12, lines 50-67);

"receiving a response to each of the plurality of queries" as (col. 12, lines 50-67);

"applying the responses to a plurality of rules so that each rule has one of a

satisfied state and an unsatisfied state" as applying the responses to rules such as "0"

indicate not satisfy and "1" indicates satisfy. The responses are not converted (col. 7,

lines 25-40);

"automatically generating individualized feedback items based on the state of the

plurality of rules, each feedback item being associated with at least one of the plurality

of rules having the satisfied state, wherein the feedback items are a defined set of

linguistic expressions associated with the state of the plurality of the rules, and are also

custom made for the given entity" generating reports that contains expressions. For

example, one report as shown in fig. 6 including expressions such as doctor's treatment

improving condition, doctor's treatment not improving condition associated with rules as

satisfied and unsatisfied (col. 2, lines 50-67; col. 3, lines 1-7);

"transmitting the feedback items to an entity" as (fig. 6, col. 5, lines 40-60),

" wherein the plurality of rules results in at least a first comparative indicator and

at least a second comparative indicator, the first comparative indicator representing an

ideal situation for the evaluee, and the second comparative indicator representing a

current situation for the evaluee (figs. 9A-9D, col. 17, lines 64-67; col. 18, lines 1-20);

"wherein the plurality of queries seek information as to the performance of the

evaluee in a business, group, team, or collaborative enterprise" as patient satisfaction

information received from a group of physician practices to provide practice

performance information (col. 2, lines 50-55);

"wherein at least one of said presenting, receiving, applying, generating and

transmitting are performed using at least one of a computer, data processing device,

electronic communications system, or electronic data network" (col. 5, lines 40-60; col.

6, lines 20-30).

Kraftson does not teach "at least one of feedback items including a link to an

additional resource associated with feedback item; converting each response to a

numerical value from a defined range of discrete values".

Wies teaches transmitting web page to a user includes url to resources (figs.

17A-17B).

Bouchard teaches [0071] the responses when converted into a number in the 0-

100 range per the above process-and their weight designations are combined to

produce a Ratio score. The work environment Ratio Score comprises the following

individual responses and their applied percentage weight: [0072] Top Performer=30%

[0073] #2 Performer=10% [0074] #3 Performer=10% [0075] Manager 1=25% [0076]

Manager 2=25%. Predicting the performance of candidates for employment in business

(paragraphs 0003, 0006).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Bouchard's teaching of converting responses into a

number and Wies teaching of transmitting web page to a user includes url to resources

to Kraftson's system in order to improve performance of a member in a business or a

work group efficiently and further to allow a user further review details related to

feedback item.

As to claim 22 is rejected under the same reason as discussed in claim 23.

As to Claim 24, Kraftson discloses the first comparative indicator includes two

comparative indicators used to determine the ideal situation and the second

comparative indicator includes two comparative indicators used to determine the current

situation (figs. 9A-9D).

As to Claim 25, Kraftson further discloses the feedback items include at least

one feedback item based on a comparison between the ideal situation and the

current situation (figs. 9A-9D).

As to Claim 26, Krafton discloses displaying a comparison of the ideal situation

and the current situation (Figs. 9A-9D).

As to Claim 27, Kraftson disclose the limitation " the plurality of queries relate to

one of an individual assessment and a group assessment (col. 2, lines 50-55).

14.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kraftson (US 6151581) in view of Bouchard (US 2001/0034011) and further in view of

Wies et al (or hereinafter "Wies") (US 6353850) and further in view of Hull et al (or

hereinafter "Hull") (US 7299412).

As to Claim 20, Kraftson does not explicitly teach the claimed limitation

"hyperlink includes identification of a universal resource locator and the additional

resource includes publication".

Hull teaches publication information includes a "location of publication

" which can be, for example, a URL to a server that is selected to publish the

documents. The location of publication may provide controlled or limited access, in

which case, the user may be required to provide additional authorization information

(col. 11, lines 15-35).

It would have been obvious to a person of an ordinary skill in the art at the time

the invention was made to apply Hull's teaching to Kraftson's system in order to allows

a user to publish multiple search results without entering the authorization and/or

publication information multiple times.

15.   Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kraftson and Bouchard as applied to claim 1 above, and further in view of Nichols

et   al. (U.S. Patent 5,987,443).

As to Claim 32, Kraftson and Bouchard disclose the limitations of Claim 1 above.

Kraftson are silent regarding the limitation wherein the theory-based individualized

feedback includes one or more links to tools that address diagnosed deficiencies.

Nichols discloses this limitation (col. 28, lines 17-67).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include one or more links to auxiliary tools that address

diagnosed deficiencies into the invention disclosed by Kraftson and Bouchard. The

motivation for doing so would be to conveniently provide means for an evaluee to take

appropriate action regarding the results of one's evaluation, increasing the effectiveness

of the feedback (Nichols, col. 28, lines 55-57).

As to Claim 33, Kraftson and Bouchard in view of Nichols discloses or suggests

the limitations of Claim 32. Nichols further discloses that the tools comprise a method of

conducting an assessment of an evaluee (col. 29, lines 1-9).

It should be noted that it would have been obvious to one of ordinary skill in the

art at the time the invention was made to use the tools found in Nichols in accordance

with the method disclosed in Kraftson and Bouchard. The motivation would be that the

Kraftson and Bouchard disclosure, as noted in the rejection of claim 1, is very well

suited for analyzing a student's work to identify problem areas and deliver focused

feedback, which is a requirement for the tools disclosed by Nichols (col. 29, lines 4-6).

Conclusion

16.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

17.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T. Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Firday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cam Y Truong/

Primary Examiner, Art Unit 2162